IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.585 OF 2004
IN
WRIT PETITION NO.1807 OF 1998

The Cathedral of the Holy Name & Ors. .. Petitioners
V/s
The Municipal Corporation of
Gr.Bombay & Ors. .. Respondents

Mr.Denzil D'Mello for the Petitioners.

Mrs.N.V.Sanglikar for the Respondents.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.
DATE : 7.10.2004.

P.C.:

1. Mentioned. Not on board. Heard the learned Counsel for the parties. By this Notice of Motion the Petitioners are seeking to recall the order of this Court dated 2.9.2004 whereby the Petition was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein sufficient cause is made out for recalling the aforesaid order dated 2.9.2004 and for restoring the Petition. There is no case of inaction, negligence or want of bonafide on the part of the Petitioners. Under these circumstnces, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b) subject to the condition that the Petitioners shall deposit a sum of Rs.1000/- with the Maharashtra State Legal Services Authority within a period of two weeks from today. Place the Petition on board for final hearing on 29.10.2004.

2. The learned Counsel for the Petitioners states that, even as of today the concerned structures are in existence.

3. The learned Counsel for the Respondent-Corporation assures that today's order will be communicated to the concerned Officer.

(S.RADHAKRISHNAN,J.)

(S.A.BOBDE, J.)